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6 *TREVOR JAMES KIRK*

7 **UNITED STATES DISTRICT COURT**
8
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 TREVOR JAMES KIRK,

14 Defendant.
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Case No. 24-cr-00527-SVW

**DEFENDANT TREVOR JAMES
KIRK'S NON-OPPOSITION TO
GOVERNMENT'S Fed. R. Crim. P.
48(a) MOTION TO STRIKE
SPECIAL FINDING; JOINDER IN
GOVERNMENT'S POSITION
STATEMENT IN RESPONSE TO
PRE-SENTENCE REPORT**

18 **INTRODUCTION**

19 **a. Request for ruling on Government's Fed. R. Crim. P. 48(a) motion.**

20 Defendant Trevor James Kirk, (Mr. Kirk,) joins in the government's motion per
21 Fed. R. Crim. P 48(a) to vacate the non-differentiated jury finding. Mr. Kirk
22 recognizes that this joinder-non opposition will inure to his benefit and is not for the
23 purpose of "prosecutorial harassment[.]" *Rinaldi v. United States*, 434 U.S. 22, 29 n.15
24 (1977). As such he does not object to the government's motion.

25 Furthermore, Mr. Kirk requests that, in exercising its discretion, this Court find
26 that the "manifest public interest" limitation on the Court's discretion, not apply in this
27 case as the government has produced a letter from Los Angeles County Sherriff, Robert
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1 Luna, outlining reasons that support the United States Attorney's good faith evaluation
2 of the evidence in this case supporting the motion to vacate.

3 For the reasons set forth in the government's motion Mr. Kirk requests that this
4 Court exercise its discretion and vacate the jury's finding as to Question Two regarding
5 injury or use of a dangerous weapon.

6 **b. The Advisory Guideline calculations, 18 U. S.C. § 3553(a) analysis and**
7 **sentencing recommendation requested by the Government apply.**

8 Mr. Kirk joins in the requested advisory guideline application requested by the
9 Government. Additionally, he asks that this Court determine that the sentence
10 requested by the parties is "not greater than necessary" to support the sentencing factors
11 in 18 U.S.C. § 3553(a) and as such is reasonable and appropriate.

12 Dated: May 16, 2025

/s/ Edward M. Robinson

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EDWARD M. ROBINSON

14 Attorney for Defendant

15 TREVOR KIRK

16 Dated: May 16, 2025

/s/ Tom Yu

17 _____
TOM YU

18 Attorney for Defendant

19 TREVOR KIRK
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